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November 24, 2015

Via Hand Delivery

James A. Bergman, Director
Department of Planning and Building
County of San Luis Obispo
County Government Center
876 Osos Street, Room 200
San Luis Obispo, CA 93408

**Re: Blacklake Golf Resort LLC
Request for Director's Interpretation of the Specific Plan Amendment Process
Continued Board of Supervisors Hearing - January 12, 2016**

Dear Mr. Bergman:

As you know, the Board of Supervisors has continued to January 12, 2016, the hearing on the processing of the Specific Plan Amendment request filed in December of 2014, on behalf of Blacklake Golf Resort LLC. Over the past year we have conducted a number of community outreach meetings to better determine the location(s) and scope of the proposed additional Resort developments. As a result of those meetings, we have submitted revised plans to the County in the form of a CUP and Vesting Tentative Map Nos. 3092 and 3094 (SUB2015-00035), consistent with the allowed uses for the Blacklake community. This letter is a formal request for a Director's Determination pursuant to the Black Lake Specific Plan (page VIII-4) regarding the process for amending the Specific Plan.

"Responsibility For Interpretation of the Specific Plan.

The County Planning Director is responsible for interpreting the provisions of this plan. Any determination that the Planning Director makes may be appealed according to Section 22.01.042 of the Land Use Ordinance."

The Black Lake Specific Plan is incorporated by reference into Title 22, Land Use Ordinance in Section 22.108.010. In explaining the relationship of the Specific Plan to the Land Use Element and Land Use Ordinance, the Specific Plan recognizes that "this plan also **refines the procedures** and development standards of the ordinance to further implement the general plan." (p. I-1; emphasis added) Land Use Ordinance Section 22.90.020, which incorporates the Specific Plan by reference, provides that: "**These standards apply to proposed projects in addition to all other applicable provisions of this Title. Where these standards conflict with other provisions of this Title, these standards control [except as not applicable here].**" (LUO, p. 9.3; emphasis added)

One of the "refined procedures" is the non-discretionary process for consideration of amendments to the Specific Plan:

*750 Pismo Street • San Luis Obispo, CA 93401
Telephone: (805) 543-4333 • Facsimile: (805) 543-4220*

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"Proposed Amendments to the Plan

Any person, the Planning Commission or a member of the Board of Supervisors may request an amendment to the specific plan. The application for amendments shall be in the form of a letter explaining the proposal and the reasons for the change. The proposal will then be reviewed through public hearings before the Planning Commission and the Board of Supervisors as provided in Sections 65500 et seq. of the California Government Code." (P. VIII-4)

The Specific Plan amendment process is different from the Land Use Ordinance amendment process which is discretionary based upon Board of Supervisors prior approval for processing in Section 22.070.040. The Framework for Planning (Inland) also describes the limitations upon the number of Land Use Element amendments based upon Government Code Section 65358 which limits the number of amendments to no more than four times per year. (Framework, p. 8-6) The purpose of prior Board authorization for amendment processing is the statutory limitation upon the number of General Plan amendments which can be processed in any single year. That purpose is irrelevant for specific plans by virtue of Government Code Section 65453 (a), which provides that a specific plan may be amended in the same manner as a general plan, **"except that a specific plan may be adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body."** Government Code Section 65451(a) (3) provides that a specific plan shall include text which specifies all of the following in detail, including, **"Standards and criteria by which development will proceed."** A limitation upon the number of amendments of a specific plan, even if included by reference in the Land Use Ordinance, does not apply to the specific amendment process of the Black Lake Specific Plan.

The priority of the Black Lake Specific Plan amendment process over the LUO amendment process is recognized by the Framework for Planning (Inland): "To ensure that county wide land use regulations are responsive to conditions within individual communities, the planning area standards of Article 9 (Community Planning Standards) of the Land Use Ordinance **take precedence over other standards of the Land Use Ordinance where standards differ.**" (Framework, p. 8-1, emphasis added) The Framework references specific plans, and provides that "the specific plans contain more detailed information and requirements applicable to their respective projects beyond the scope of the LUE and the Land Use Ordinance." (Framework, p. 8-4)

The Black Lake Specific Plan includes a specific amendment process because the plan was and is intended to be a flexible planning tool capable of ready amendment and the consideration of various land uses as time passes. The Specific Plan states: **"Other land uses will be developed within certain phases or after completion of all the residential components depending upon the needs of new residents and other users."** (P. I-18) The CC&R's for the existing project anticipate that the Specific Plan as used in the CC&R's includes future "amendments and supplements." (1985 CC&R's, pp. 1-11)

The amendment language clearly provides that the submittal requesting an amendment of the Specific Plan by "any person," which includes Blacklake Golf Resort LLC as the owner of the golf course property, within the Specific Plan Area, explaining the reasons for the proposed amendment, **"will then be reviewed through public hearings before the Planning Commission and the Board of Supervisors."** There is no requirement for prior Board authorization to process such an amendment.

The owner of the Golf Course property requests that the Planning Director determine that the processing of this amendment request is governed by the provisions *of the Specific Plan* and be

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submitted for environmental review under the provisions of the California Environmental Quality Act for ultimate hearing before the Planning Commission and the Board of Supervisors.

Regards,



Rob Rossi
Blacklake Golf Resort LLC

cc: Board of Supervisors, County of San Luis Obispo
BLMA c/o Barbara Laurienti, CCAM

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